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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/675,419	09/29/2000	Frederick M. Morgan	C1104/7073	9659

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EXAMINER

KAO, CHIH CHENG G

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/675,419

Applicant(s)

MORGAN ET AL.

Examiner

Chih-Cheng Glen Kao

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-96 is/are pending in the application.
- 4a) Of the above claim(s) 38-96 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 30 July 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12, 16.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 38-96 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 38-96 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 7, 8, 12, 13, 15-17, 21-27, 29-31, and 33-35 are rejected under 35 U.S.C.

103(a) as being unpatentable over Eberly et al. (US Patent 5,073,029).

3. Regarding claims 1, 2, 16, 17, 21-24, 30, 31, and 33-35, Eberly et al. discloses a system and method for calibrating a light-emitting diode (LED) comprising: a support or housing (Fig. 4, #3 and 4) with a fixture (Fig. 4, #1) to accommodate an LED or multiple LEDs (Fig. 5, #1), a photosensor (Fig. 5, #7) in the support or housing (Fig. 4, #3 and 4), a wire-connected processor

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(Fig. 2) to formulate a calibration value (col. 8 lines 67-68, to col. 9, lines 1-6), from an adjustment of the output against a reference value (col. 8, lines 58-67), such that the calibration permits the subsequent light output to approximate an output according to the reference value (col. 9, lines 6-17), a memory mechanism, interface, and display (col. 6, lines 30-49).

However, Eberly et al. does not disclose a calibrated intensity of the LED based on a comparison.

Eberly et al. further disclose a calibrated intensity of the LED based on a comparison in a different embodiment (col. 10, lines 34-45).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the calibrated intensity of the LED based on a comparison of Eberly et al. with the system and method of Eberly et al., since one would be motivated to stabilize the light output of an LED that may vary as shown by Eberly et al. (col. 9, lines 61-65).

4. Regarding claims 7, 8, 12, 13, 15, 25-27, and 29, Eberly et al. suggests a device as recited above.

However, Eberly et al. does not disclose the LED including a memory mechanism on which the calibration value is stored.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have LED including a memory mechanism on which the calibration value is stored with the suggested device of Eberly et al., since rearranging parts of an invention only involved routine skill in the art. As noted above, Eberly already discloses the memory mechanism with the calibration value. It would have only involved routine skill in the art to

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have the memory mechanism to the LED. One would be motivated to have the memory mechanism in the LED to create more data transfer efficiency wherein the LED communicates within itself rather than having it communicate to separate apparatus outside the LED. These types of devices, which include memory, processors, input/output, among other things, can be done with microchips or microprocessors.

5. Claims 36 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberly et al. as applied to claim 30 above, and further in view of Hamamoto et al. (US Patent 5350977)

Eberly et al. suggests a method as recited above.

However, Eberly et al. does not disclose color adjustment to a desired hue or whiteness.

Hamamoto et al. teaches color adjustment to a desired hue or whiteness (col. 4, lines 25-40, and col. 13, lines 3-10).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have the color adjustment of Hamamoto et al. with the suggested method of Eberly et al., since one would be motivated to keep the color temperature differences from being too large as shown by Hamamoto et al. (col. 1, lines 25-31).

6. Claims 3, 4, 14, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberly et al. as respectively applied to claim 1, 7, and 25 above.

7. Regarding claims 3 and 4, Eberly et al. suggests a system and method as recited above.

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However, Eberly et al. does not disclose an enclosed member.

Eberly et al. further discloses a light excluding door and significant exclusion of stray ambient light (col. 12, lines 16-19).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have an enclosed member with the system of Eberly et al., which is explained with motivation as follows. Although, an enclosed member does not seem to be specifically disclosed, an enclosed member is implied, since the only light that enters the system is through the door when it is opened as seen in Figures 3-11. One would be motivated to have an enclosed member by shutting the door to have a significant exclusion of stray ambient light for to obtain an accurate signal from the low light-emitting diode (col.12, lines 16-19).

8. Regarding claim 14, Eberly et al. suggests a device as recited above.

However, Eberly et al. does not disclose a second memory mechanism.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have a second memory mechanism with the suggested device of Eberly et al., since it would have only involved routine skill in the art to duplicate the essential working parts of a device. One would be motivated to have a second memory mechanism for ease of troubleshooting. If the device were to fail, one could easily troubleshoot the device to check to see if an output from the LED was recorded in the second memory mechanism. If no errors were found in the second memory mechanism, the processor can then be analyzed for errors.

9. Regarding claim 28, Eberly et al. suggests a device as recited above.

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However, Eberly et al. does not disclose a calibration activation mechanism.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have a calibration activation mechanism with the device of Eberly et al., since providing an automatic means to replace manual activity which has accomplished the same result involve only routine skill in the art. One would be motivated to have a calibration activation mechanism, as opposed to one that was done manually by the user (col. 6, lines 40-49), to save time and reduce human error when the user forgets to calibrate the LED.

10. Claims 5, 6, 9-11, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eberly et al. as respectively applied to claims 3, 7, and 16 above, and further in view of Parker (McGraw-Hill Dictionary of Scientific and Technical Terms).

Eberly et al. suggests a system and method as recited above.

However, Eberly et al. does not seem to specifically disclose wireless radio communication.

Parker teaches that wireless radio communication is one conventional type of transmission (Page 2058, definition of "transmission"). The Examiner takes Official Notice that wireless communications conventionally uses transmitters and receivers.

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to have wireless radio communication of Parker with transmitters and receivers and with the suggested system and method of Eberly et al., since wireless transmission with transmitters and receivers is considered functionally equivalent to wires in that they both transmit a signal as shown by Parker (Page 2058). It would have only involved routine skill in

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the art to substitute wires, for a wireless communicational means. Lastly, wireless communications is only a means to construct a formerly integral structure in various elements, which have been obvious to one having ordinary skill in the art. One would be motivated to have wireless communications to create an interface such as a remote computer (col. 6, lines 29) that can be set up as a workstation, while making the device free from distance constraints of a wire.

### *Response to Arguments*

11. The objections to the oath/delARATION, specification, drawings, and claims in the office action mailed February 22, 2002, have been withdrawn.

12. Applicant's arguments with respect to claims 1-37 have been considered but are moot in view of the new ground(s) of rejection.

With regards to Eberly et al., there is disclosure of calibrated intensity of the LED by comparison (col. 10, lines 34-45).

### *Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after



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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (703) 605-5298. The examiner can normally be reached on M - Th (8 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



gk  
October 21, 2002



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